

**California State Parks
Off-Highway Motor Vehicle Recreation Commission**

South County Regional Center
800 West Branch Street
Arroyo Grande, CA 93420

Meeting Minutes, October 14, 2011

OHMVR COMMISSIONERS PRESENT

Eric Lueder, Chair
Brad Franklin, Vice-Chair
Breene Kerr
Kane Silverberg
Paul Slavik
Stan Van Velsor

OHMVR DIVISION STAFF PRESENT

Daphne Greene, Deputy Director
Phil Jenkins, Division Chief
Tim La Franchi, Legal Counsel
Sixto Fernandez, Program Manager
Tricia Gill, Associate Park and Recreation Specialist
Brian Robertson, Superintendent
Andy Zilke, District Superintendent, Oceano Dunes District
Brent Marshall, Superintendent, Oceano Dunes District
Dena Bellman, Park and Recreation Specialist, Oceano Dunes District
Ronnie Glick, Senior Environmental Scientist, Oceano Dunes District

AGENDA ITEM I

CALL TO ORDER – 9:06 a.m.

A. Pledge of the Allegiance

B. Roll Call

Six Commissioners were present at time of roll call. Commissioners Diana Perez and Gary Willard were absent from the meeting.

AGENDA ITEM II

APPROVAL OF THE AGENDA

Motion was made by Commissioner Brad Franklin and seconded by Commissioner Breene Kerr. Motion carried unanimously.

AGENDA ITEM III

APPROVAL OF MINUTES - April 5, 2011

Motion was made by Commissioner Kane Silverberg to approve the draft minutes of the April 5, 2011 meeting and seconded by Commissioner Franklin. Motion carried unanimously.

APPROVAL OF MINUTES - August 6, 2011

Commissioners expressed their appreciation for the summary minutes of the August 6, 2011 meeting provided by the Off-Highway Motor Vehicle Recreation Division (Division). While the Division will continue to have the meetings transcribed, the Chair will work with the Division to develop summary minutes for the Commission and the public.

Motion was made by Commissioner Paul Slavik to approve the summary minutes of the August 6, 2011 meeting and seconded by Commissioner Kerr. Motion carried unanimously.

AGENDA ITEM IV: REPORTS

A. COMMISSIONERS' REPORTS

Commissioner Stan Van Velsor was pleased to announce that after several months of hard work on the part of Division staff and Deputy Director Daphne Greene, the first meeting of the Education Advisory Committee meeting was scheduled. Commissioner Van Velsor asked Deputy Director Greene to summarize the status of the Education Advisory Committee.

Deputy Director Greene thanked the two subcommittee chairs of the group, Commissioner Van Velsor and Commissioner Slavik. She explained that Goal 4 of the Strategic Plan is to develop an informed and educated community. Objective 4.1 identifies the creation of an Education Advisory Committee to provide input to the Division on a statewide education campaign for responsible OHV use. After overcoming program budget cuts and travel restrictions, the Division was able to secure

approval for the group to travel. This group of professionals will get together on November 4th. She expressed her excitement to get started on this important project.

Commissioner Kerr reported he visited Hollister Hills State Vehicular Recreation Area (SVRA) during September. He said the park is looking great and congratulated staff on the work that's been done over the last couple of years at Hollister Hills.

B. DEPUTY DIRECTOR'S REPORT

1. General Program Update

Deputy Director Greene welcomed everyone to the Commission meeting. She indicated about 45 individuals joined the tour of Oceano Dunes SVRA. A slide show capturing the highlights of the tour was presented to the Commission and the audience.

Deputy Director Greene recognized and thanked the Oceano Dunes District and staff for the informative and interesting program they created for the tour.

Deputy Director Greene asked for a moment of silence to recognize the passing of former Deputy Director, Dave Widell. Dave served from 1999 to 2003. He had good energy and was instrumental in bringing people together to work towards a common goal. This was evident in the creation of the California Stakeholders Roundtable. Dave was 44 years old.

Deputy Director Greene indicated Prairie City and Carnegie SVRAs would be hosting Visitor Appreciation Days on the 16th and the 23rd respectively. Everyone is invited to attend.

2. Grants and Cooperative Agreements Program Update

Sixto Fernandez, Grants Program Manager, provided an update on the status of the regulation process. The Grants team has been busy finalizing the project agreements for those applicants who were successful during this past grant cycle, closing out the old files, and preparing for the new grant cycle coming up in January.

On September 20th, the regulation package was submitted to the Office of Administrative Law (OAL). During the 45-day public comment period, the Division received a few comments from the general public and from the grantees. As a result of these comments, the grants team made some minor revisions to the original regulation package, and went back out for another 15-day public comment period. After this, the Division will submit the complete package to the OAL for review and approval. The team anticipates the approval from OAL sometime in late December.

Mr. Fernandez also provided an update on the acquisition grants projects that were awarded this past grant cycle to Bureau of Land Management (BLM) Redding and Eagle Lake. Both projects were to acquire private in-holdings. In order to understand the issue, one has to go back to the 2009/10 regulation cycle. During that time, a new regulation was passed that adopted warranty language that indicated any acquisition made with OHV Trust Funds had to be kept for OHV recreation; if it wasn't, then the land would revert back to the state. The BLM did not provide any public comment or objection to the warranty language nor did they object to the adoption of the proposed regulation.

In the 2010/11 regulation cycle, BLM Redding and Eagle Lake, submitted and competed for acquisition grants totaling approximately \$304,000 to acquire private in-holdings. Mr. Fernandez explained after some discussions with the BLM State Office, it was determined BLM could not accept that language in the agreement. BLM sent an official letter to the Division stating the two acquisition grants could not be accepted.

Mr. Fernandez explained that as a result of BLM not being able to accept the grant funding, program regulations require the money be offered to the next applicant in line. In this instance, the County of Madera was the next applicant who submitted a planning project in the amount of \$470,345 for a County OHV park. The Division will fund the County 304,000 for the project.

As a result of the complications with the BLM warranty issue, Mr. Fernandez explained changes were made during the Division regulation process to modify the language to impose a 25-year timeframe for OHV use of any property acquired by federal agencies with Division Grant Program funding. The new warranty language will begin with the 2011/12 grant cycle.

3. Legislation Update

Associate Park and Recreation Specialist, Tricia Gill provided an update on state and federal legislation. In addition, she provided a summary and status of new bills added to the October 14 Legislation report since the last Commission meeting on August 6^m 2011 was provided. Legislation added to the report included California renewable energy legislation and additional federal bills. The following bills were addressed.

California Legislation

AB 42 - the Governor signed AB 42 which allows nonprofits to enter into operating agreements for the operation, improvement, restoration, maintenance, or administration of State Parks. This bill provides an option for the state to try to alleviate financial and resource burdens for the parks that may otherwise close.

AB 628 - this bill was approved by the Governor. The bill, until January 1, 2017, authorizes the County of Inyo to establish a pilot project that would increase the three

mile limit for specified combined-use highway segments to a maximum of ten miles so the highways can be used to link unincorporated county roads to existing off-highway motor vehicle trails and trailheads on BLM or U.S. Forest Service (USFS) lands.

SB 356 - this bill would have established a process to alert and encourage local agencies to participate in partnerships to prevent proposed park closures. This bill was vetoed by the Governor. The bill is now back in the Senate with consideration of the Governor's veto pending.

SB 386 - this bill would have required State Parks to post a 30-day notice of park closure on its website and provide contact information for anyone interested in leasing and operating the park. This bill was vetoed by the Governor. He indicated the bill was a good idea but does not need a law to implement. This bill is also in the Senate with consideration of the Governor's veto pending.

California Legislation – Renewable Energy

In April 2011, the Governor signed into law an ambitious mandate that requires California to obtain one-third of its electricity from renewable energy sources such as sunlight and wind by 2020. To meet this mandate, the California Legislature focused this year on streamlining the permitting, environmental review, and judicial review of renewable energy projects. The legislation update included a summary of some of the renewable energy related bills affecting California's renewable project permitting development and possible impacts on access to public lands.

AB 13 – among other provisions, this bill streamlines the citing and permitting process for renewable energy projects within the state desert renewable energy conservation plan. This bill was approved by the Governor.

AB 982 – among other provisions, this bill requires the State Lands Commission to make best efforts to enter into a Memorandum of Understanding or agreement with the U.S. Secretary of the Interior to facilitate land exchanges to consolidate total land parcels into contiguous holdings that are suitable for large-scale commercial renewable energy projects. This bill was approved by the Governor.

SB 618 – among other provisions, this bill allows local governments and landowners to mutually rescind a Williamson Act contract on marginally-productive or physically-impaired land and simultaneously enter into a solar-use easement. The proposed easement would require the land be used for solar energy under similar terms as the Williamson Act. This bill was approved by the Governor.

Federal Legislation

HR 242 - this bill would restrict funds for the USFS implementation of Subpart B of its Travel Management Rule until the agency has performed project-level review under that rule. The bill also addresses the issue of the USFS restricting OHV use on dirt-covered

and roughly-graded logging roads in rural sections of the state. This bill has been in committee since last January.

HR 848 - this bill requires the USFS, in the implementation of off-road vehicle management under the USFS Management Travel Rule, to endeavor to accommodate individual mobility disabilities who would need to use a power-driven mobility device for access to such lands.

HR 1581 and S 1087 - No updates have occurred on these bills since the August 6th Commission meeting.

HR 2584 - Section 556 is a rider on the Interior Appropriations bill. It is nearly identical to HR 242. It prohibits the USFS from implementing travel management plans in California until completion of an assessment of unauthorized routes. It further limits the classification of certain forest roads.

HR 2715 – this bill provides the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws. This bill was signed by the President on August 12th.

Federal Legislation - Wilderness Designation

S 138 – California Desert Protection Act of 2011. No changes have occurred since the August 6th Commission meeting.

Federal Legislation - National Monuments

HR 302 / S 122 - these bills require the President prior to designating a national monument to obtain a state approval for a monument located on federal land within the state. The bills also bar the Secretary of the Interior from implementing any restrictions on the public use of national monument land until the expiration of an appropriate review period provided by public input and state approval.

HR 758 / S 407 – the National Monument Designation Transparency and Accountability Act 2010. These bills would reduce the amount of land the President can designate as a national monument. Specifically, it would only allow the President to designate the smallest area essential to ensure the proper care and management of the objects to be protected.

HR 817 - this bill is an amendment to the Antiquities Act of 1906. It prohibits further extension or establishment of national monuments in California except for the express authorization of Congress.

4. Public Safety Report - POST Training

Brian Robertson, Superintendent for the Division, provided an update on the law enforcement related courses developed by the Division, as well as a status update of education and training efforts that will be provided throughout the state to various agency partners.

The Division law enforcement team developed an Off-Highway Motor Vehicle Law Enforcement Course. This six-hour course was submitted and approved by the Commission on Peace Officer Standards and Training (POST), as a certified course for law enforcement personnel.

The law enforcement team also developed a comprehensive 32-hour Off-Highway Motor Vehicle Law Enforcement and Driving Course which will be submitted to POST for approval. This extended course will include four-wheel drive, ATV, and motorcycle safety training as well as sound test training.

The Division is preparing to introduce its law enforcement OHV education program throughout the state for partner law enforcement agencies. The Division plans to offer four sessions of the 6-hour course and one session of the 32-hour course by the end of June, 2012. Tentatively scheduled locations include the BLM's Jawbone/ Dove Canyon, the Napa/ Clear Lake region, and the Sacramento region at Prairie City SVRA. A number of agencies have requested the Division produce a program like this together, and are quite pleased it will soon be available.

Chief Phil Jenkins further clarified that the Division focuses on Division 16.5 of the California Vehicle Code (CVC) as well as the Public Resources Code (PRC). These are the codes specific to OHV enforcement. He stated one of the Division's goal with law enforcement is education. Many local, state, and federal law enforcement officers are not as familiar with these codes as they are others. This course provides additional tools for law enforcement officers to address OHV specific issues, and a foundation for consistency in interpretation of the codes. Chief Jenkins said he went on to say that sometimes law enforcement over enforce inappropriately, and sometimes they under enforce because they don't realize how many tools they have at their disposal. Division staff has accumulated all of this information into a training course certified by POST, thus allowing officers from other agencies to come to the Division's training and get reimbursement through POST.

4. Public Safety Report – Pacific Crest Trail Update

State Park Superintendent, Brian Robertson, provided an update on the ongoing involvement of the Division law enforcement team on the Pacific Crest Trail (PCT). As the Commission was aware from previous meeting updates, the Division law enforcement team has been helping Kern County Sheriff's Office, the BLM, and the

USFS address some of the challenges regarding private property trespass and illegal motorized use on the PCT.

Superintendent Robertson advised the Commissioners that on August 10, 2011, the Division was contacted by ORV Watch Kern County, a local community group, about an incident that took place January 10, 2010, in the vicinity of the PCT as it passes through Kern County. They expressed concerns that more than a year after the incident was reported to local agencies having jurisdiction in the area, no action had been taken to address the situation.

Superintendent Robertson and Supervising State Park Ranger, Al Chavez, conducted a site visit of the area soon after speaking with Kern County deputies, the BLM, and the USFS as well as representatives from ORV Watch Kern County. During the visit, Division law enforcement personnel reviewed trail conditions, including trail education and trail boundary signage; resource management conditions, PCT, and other travel routes located in the area; and reported areas of OHV trespass use. Superintendent Robertson summarized the site visit report which was provided to the Commissioners in their binders and to the public on the Division website.

The Commissioners asked a number of questions of Superintendent Robertson and Chief Jenkins related to scheduling of law enforcement site visits, efforts to work with private landowners and public agencies to have consistent signage about private property trespass, route designation, installation of kiosks, maps, and the formation of a regional stakeholder group.

Some members of the public expressed a desire for the Division to file charges on the riders based on the fact that either the riders got to the location via the PCT or trespassed across private property. Chief Jenkins stated that typically the local district attorney would not file charges on this type of situation because it was not committed in the presence of a peace officer and it would be treated as an infraction. Establishing clarity 19 months after a reported incident, and timeframes for filing charges for prosecuting an infraction, make this situation all the more difficult.

Chief Jenkins reminded the Commissioners that while the Division could assist these agencies with focused enforcement efforts, as they did in April 2010, it is important to note the Division does not have primary jurisdiction of the area. The PCT in this area is managed by the USFS and the BLM. Nevertheless, Superintendent Robertson said the Division is committed to working with the local agencies and interested parties to help address some of the complicated issues in the region. He said the incident in January 2010 highlighted the challenges of the area as some private property owners want relief from trespass, while others provide specific permission for certain individuals to use their land. Lack of signage informing people where they can and cannot go must be a priority. Moving forward, Superintendent Robertson stressed the need for better signage, information kiosks, education, and collaboration amongst the volunteers.

He spoke positively of the increased communication and collaboration that has been occurring between agencies as it relates to the PCT and surrounding areas. The PCT is under the jurisdiction of the USFS, and Beth Boyst, PCT Program Manager has hosted a series of conference calls between agencies to help facilitate a dialogue. Superintendant Robertson shared that Kern County Sheriff deputies are now taking all of the reports from the different agencies on this issue so there is one central point of contact.

Commissioner Kerr suggested working with public and private land owners to focus on one or two routes that might need easements, to develop a strategy to deal with the issue so as to take a proactive role.

Jim Keeler, BLM OHV Coordinator clarified that this approach had been considered but rejected because the tracts of land were too small and scattered for a trail network. He also shared that BLM has recently received a restoration planning grant from the Division for the section of the PCT that extends 139 miles, from Highways 138 to 178. The BLM will be developing a detailed map that both law enforcement and the general public will be able to use in the future, as well as identify a possible social restoration projects.

Jim complemented those individuals and agencies who have helped address the issues around the PCT, particularly since the focused enforcement efforts in April 2010.

Commissioner Van Velsor thanked Brain for the report and the Division and the BLM for their efforts. In addition to all the agencies and interested parties working together, he suggested BLM consider a monitoring component so as to understand what is working and where to increase efforts for success.

PUBLIC COMMENT ON AGENDA ITEMS III & IV (A)&(B)

Chair Eric Lueder opened the public comment period of the meeting. The Chair explained the speaker registration process and noted the speakers would be limited to three minutes. Comments were heard by the following members of the public.

- Mesonika Piecuch, Executive Director, ORV Watch, Kern County & Alliance for Responsible Recreation.
- Karen Schambach, PEER and Center for Sierra Nevada Conservation.
- Dr. Nell Langford
- Dave Pickett, District 36 Motorcycle Sports Committee
- Anne Steele
- John Stewart, California Association of Four-Wheel Drive Clubs
- Jim Bramhan, California Association of Four-Wheel Drive Clubs

COMMENT PERIOD ON ITEMS NOT ON THE AGENDA

At 11:00am, Chair Lueder opened the public comment period of the meeting for items not on the agenda. Comments were heard by the following members of the public.

- Bill Denneen
- Terry Sweetland, resident of Oceano
- Jim Suty, President, Friends of Oceano Dunes
- Dr. Nell Langford
- Dave Pickett, AMA District 36 Motorcycle Sports Committee
- John Stewart, California Association of 4WD Clubs
- Geri BeDell, resident of San Luis Obispo County
- Jim Bramham, California Association of 4WD Clubs
- Lee BeDell, resident of San Luis Obispo County
- Amy Granat, California Off-Road Vehicle Association

C. BLM Report

Jim Keeler, BLM California State Office, OHV Coordinator, provided a general update. BLM's California State Director Jim Abbott retired in September; Jim Kenna is the new California BLM State Director. Prior to this assignment, Jim was the State Director of Arizona, associate director for the BLM Oregon/ Washington state office, held two different positions in Washington, D.C., and was a field manager in Palm Springs.

Doran Sanchez, who used to work as the public affairs guide in the California Desert District, came back to replace Jan Bedrosian who retired last spring. Kathy Hardy, who was the Central District Manager for the BLM, is now the Forest Supervisor for the Eldorado National Forest.

West Mojave Plan Amendment (WEMO)

Mr. Keeler gave a status update of the West Mojave Plan Amendment (WEMO). He reviewed that a lawsuit was filed challenging the BLM's Record of Decision (ROD) for the 2006 WEMO Plan. In January 2011, the Court remanded the 2006 WEMO ROD to the BLM and directed the BLM to amend the plan and reconsider route designations. Mr. Keeler reviewed the WEMO implementation requirements from the Court Order. He explained the BLM needed to provide the Court with an implementation plan for signing all open routes in the WEMO. The Judicial Order gave the BLM 120 days from the date of the Order to completely redo all the signing and marking on the interim route network until a longer term management plan is put in place. In addition, the BLM is required to update all maps to include accurate and updated route information.

In addition to the plan amendment, the BLM is required to redo its route designation. The BLM announced its intent to prepare an environmental document for motorized vehicle management in the West Mojave Planning area. Mr. Keeler indicated two BLM

public scoping meetings were held in September to analyze BLM's proposed plan amendment and alternatives covering the management of OHV use in the West Mojave WEMO area.

Land use planning status

Imperial Sand Dunes RAMP - Mr. Keeler stated the work on the Imperial Sand Dunes RAMP is virtually done. He anticipates the RAMP could be out later in the fall but indicated there are no guarantees.

Bakersfield Draft Resource Management Plan – A public meeting was held on October 13, in San Luis Obispo. This Plan addresses lands in the Bakersfield Field Office (Fresno County in the desert to about Tehachapi Pass, to the Sierra and out to the coast). Mr. Keeler indicated there are three areas of intense recreation management including the Keysville area which has a lot of OHV use and Lake Isabella. The other area with OHV use is the Temblor Range. BLM is trying to identify a route network while also protecting the values inside of the Carizzo Plains.

South Coast Management Plan for Palm Springs - the draft plan came out on September 9th; the public comment period is 120 days. December 9th will be the closing period for the first round of comments. Mr. Keeler indicated that not much of the Plan is OHV related, but nevertheless, it is a pretty substantial area with probably 100 miles of routes to be analyzed.

Clear Creek Management Area - Mr. Keeler stated the new BLM State Director is taking extra time to review the issues related to CCMA and examine the direction they are going. There will also be a Washington review.

Mr. Keeler concluded by thanking Division staff for their work and efforts on the Grants Program acquisition issue.

Public Comment on BLM Report

Chair Lueder opened the public comment period for the BLM Report. Comments were heard by the following individuals.

- Dave Pickett, AMA District 36 Motorcycle Sports Committee
- John Stewart, California Association of 4WD Clubs
- Dr. Nell Langford
- Jim Bramham, California Association of 4WD Clubs
- Katrina Dolinsky, resident of Nipomo Mesa
- Amy Granat, California Off-Road Vehicle Association

D. USFS Report

The USFS was unable to attend the Commission meeting. A written report was provided to the Commissioners.

Public Comment on the USFS Report

Chair Lueder opened the public comment period for the USFS Report. Comments were heard by the following members of the public.

- Dave Pickett, AMA District 36 Motorcycle Sports Committee

E. Oceano Dunes SVRA Overview

Oceano Dunes District Superintendent Andrew Zilke and District staff provided an overview of park information, interpretation, education, public safety, resource management, marketing programs and an update on the pending release of the District's Economic Impact Study.

District Superintendent Zilke provided a history of the creation of the park including general plan development for Pismo State Beach, and Pismo Dunes SVRA, later named Oceano Dunes SVRA. District Superintendent Zilke spoke to the unique dune environment, the archaeological history of the area, and the history of OHV use in the area. He also included an overview of general park information related to the operation of Oceano Dunes SVRA, Pismo State Beach, and Pismo Dunes Natural Preserve.

Oceano Dunes SVRA consists of 3,600 acres. 1,500 acres are open to OHV recreation and camping. 2,100 acres are closed to motorized activity but are available for many other recreational uses. Oso Flaco Lakes area to the south is an important destination on the Pacific Flyway and enjoyed by many park visitors throughout the year.

In 2010, there were approximately 1.6 million visitors to Oceano Dunes SVRA, and approximately 600,000 visitors to Pismo State Beach. This total of 2.2 million visitors during the year is amongst the highest in the State Park system.

District Superintendent Zilke provided an overview of the District's interpretation and education program including its after school programs, in-park activities, Junior Ranger Program, and Campfire Program. He stated the District participates in various community events including the Summer Discovery Day and the Grover Beach Holiday Parade as a way to educate the public on the park's activities. The District has won first place for their float submitted in the Grover Beach Parade for the last three years. In addition, the District introduced a new roving interpretation program where park interpreters visit various areas of the park, set up interpretative tables, and talk to the public and educate them on the natural and cultural history of the area. Other efforts the District undertakes in engaging and educating the public include participating in the San

Luis Obispo farmer's market and free school tours. The District also has a large contingent of volunteer docents at the Oceano Lagoon and Nature Center through the Central Coast Natural History Association that provides activities in the park. The District also has a partnership with the Guadalupe Nipomo Dunes Center which provides interpretative activities and school programs in the Oso Flaco area.

District Superintendent Zilke indicated the District developed interpretative master plans in collaboration with some of the adjacent land owners. Surveys showed that whether visitors were OHV enthusiasts or non-OHV recreationists, they wanted to know more about the park's natural and cultural history.

Public Safety

Chief Ranger Brent Marshall provided an overview of the Visitor Services Program at the Oceano Dunes District. Visitor Services includes education and interpretation outreach, concessions, other revenue collections, volunteers, public safety, medical response, aquatics, and law enforcement.

Chief Ranger Marshall spoke about the District's ongoing training efforts to ensure employees and volunteers maintain a high level of public safety and legally mandated levels of staff proficiency. In 2009, the District secured a site within the SVRA where ATV instruction and certification could occur. There was some discussion between Chief Ranger Marshall and Commissioner Slavik regarding sound testing and the importance of testing both highway registered and non-highway registered vehicles to ensure residents at Nipomo Dunes are not impacted by excessive sound. Chief Ranger Marshall said that he thinks the situation has improved and will continue to make an effort to address loud vehicles.

Rangers at Oceano Dunes SVRA will be assisting with the California State Parks Ranger Academy this year which will be held in San Luis Obispo County. Oceano Dunes SVRA and its staff will play an integral role in providing for law enforcement training at the Academy.

There are 22 active members of the Volunteer Patrol who provide important services to the park in a variety of areas including public safety contacts, special events, emergency response, interpretation, and trail maintenance.

Chief Ranger Marshall also highlighted the importance of the Lifeguard Program and the K-9 Program at the park.

Resource Management

Ronnie Glick, Senior Environmental Scientist for the Oceano Dunes District gave an overview of the Resource Program at Oceano Dunes SVRA and Pismo State Beach. There is a large diversity of habitats, as well as active dunes and important wetlands that are cared for by the resource team. Mr. Glick highlighted the habitat monitoring

system implemented to track the status and trends of the plants and animals at the park. Birds, terrestrial birds, shorebirds, plants, amphibians, reptiles, small animals, and large animals are all surveyed. Additionally, fish survey's are performed four times a year in Arroyo Grande Creek Estuary for endangered and threatened fish species.

Oceano Dunes SVRA provides some of the most productive breeding habitat along the California coast for the federally-threatened western snowy plover and the state and federally-endangered California least tern. During the nesting season, from March 1 to September 30, from Post 6 down through Oso Flaco, 300 acres is closed to the public for the protection of these species. Park staff are committed to the protection and recovery of these species.

Each year, the team embarks upon one large restoration project to try to keep sand from moving. This is difficult work which sometimes needs to be done by hand. California Conservation Corps is a good partner in many of these restoration projects.

Mr. Glick spoke about the program to combat invasive exotic weeds through prescribed burns, in particular, to fight European beachgrass. Burning is an effective tool but there are barriers to burning including available staff and equipment, restrictions on certain times of the year, restrictions from CARB, and endangered shorebirds.

An ongoing challenge is how best to preserve and protect the important habitats of Oso Flaco Lake. The watershed that feeds Oso Flaco Lake is intensively used by irrigated agriculture. The resource team works with neighboring property owners and lessees to improve water quality.

Marketing, Concessions, and Economic Impact Study

Dena Bellman, Park and Recreation Specialist, spoke about the marketing and concessions program at the park. There are various methods staff use to communicate with the public. One of the tools the park is using involves the development of marketing exhibits and a virtual tour. The virtual tour was designed to give people access to the park that couldn't get there. Just released this past year, it provides wonderful views and sounds of the park today as well as historic photos.

The mobile marketing project was showcased at the California Mid State Fair in July. Using technology that is easily adapted, easily changed, the project was designed to increase public knowledge of operations and functions of the park. This interactive exhibit focuses on educating park visitors on the importance of respecting the land, natural hazards, and laws and safety at the park. The exhibit was also well received at the Sand Sport Super Show in September.

In addition to the virtual tour and mobile marketing project, staff has developed self-guided tour brochures that focus on natural and cultural tours throughout the park. Visitors are able to download the tours from the website and put them on their GPS. Future projects include the updating of the Safety and Education Center.

Ms. Bellman provided an overview of the concessions program. There are ten concession operations at the park that include ATV and dune buggy rentals, Hummer Tours, fresh water renewal and pump-out services, camping trailer delivery, 24-hour tow service, Fins Restaurant, and the Pismo State Golf Course. Combined, they bring in between five and six million dollars in annual gross revenues to the county, and between four and five hundred thousand in rent to the state annually.

In 1982, there was an amendment to the Pismo State Beach and Pismo Dunes SVRA General Development Plan and the Public Resources Code to allow the development of the Grover Beach Lodge and Conference Facility. It also allowed for a Joint Powers Agreement between the state and the City of Grover Beach. To date, an Environmental Impact Report has been completed for this project. They are hoping to break ground in late 2012.

Ms. Bellman shared with the Commission that the Strategic Marketing Group had been awarded the contract to study the economic impact to the County of SLO from operation of the Oceano Dunes SVRA. The final release of the study is anticipated soon but Ms. Bellman shared an executive summary put together by the Strategic Marketing Group for the Commissioners. Overall, the estimated economic impact of Oceano Dunes SVRA is \$171 million. Day use impact is estimated at \$10.6 million; overnight visitor impact is \$160.9 million.

AGENDA ITEM V

BUSINESS ITEMS

A. Oceano Dunes SVRA Air Quality Control Program and the APCD Draft Rule

Chief Jenkins presented an overview on the Draft Fugitive Dust Rule proposed by the San Luis Obispo County Air Pollution Control District (APCD), beginning with an initial APCD study issued in 2007, which concluded elevated PM10 levels recorded by the APCD on the Nipomo Mesa were originating from the open sand sheets to the west. This initial study was followed by another study, now referred to as the Phase 2 report, which was published in February 2010. The Phase 2 report concluded OHV activity in Oceano Dunes SVRA disturbed the sand surface, allowing the sand to move at lower wind speeds than if the sand surface was not disturbed by vehicular activity, and that this was causing the increased levels of PM10 emissions recorded on the Nipomo Mesa.

It was noted that State Parks recognizes elevated levels of PM10 have been recorded on the Nipomo Mesa, and State Parks is ready to assist in addressing the issue, but does not support the Phase 2 study's conclusion that elevated levels of PM10 are directly attributable to OHV recreation at Oceano Dunes SVRA. Chief Jenkins pointed out State Parks asked for reviews of the Phase 2 study from various organizations,

including the California Geological Survey, who pointed out flaws in the methodology used by researchers conducting the Phase 2 study. Most notable, wind speed measurements used to determine at what wind speed sand begins to roll were taken 2 ½ miles from the shore and well outside the active dune setting. The APCD coupled wind speed data from this location with measured sand movement in the OHV riding area of the Oceano Dunes SVRA. This resulted in erroneous assumptions regarding the effects of vehicular activity on sand movement and upon which the Phase 2 report built its argument that elevated PM10 levels were due to OHV recreation.

TRA Environmental Services also reviewed the background data information used in the Phase 2 report and found other things that raised some concerns. Most notably, they discovered that the APCD had averaged 13 months of wind and related PM10 data, indicating it was a yearly (12-month) average. The month that is typically the windiest at Oceano Dunes SVRA is March, and this month was counted twice. This skewed the APCD data.

Chief Jenkins described the most recent Pilot Project study, initiated through collaboration between the APCD and State Parks, with both agencies working together to fund the study and select an appropriate contractor. This study found potential for PM10 emissivity was slightly higher in some areas of the riding area than outside the riding area, but the lowest emissivity level was detected at a disturbed area within the heart of riding area of Oceano Dunes SVRA. Their conclusion was the potential for PM10 emissivity was essentially the same throughout the riding and non-riding areas of the dunes. The Pilot Project study also examined potential PM10 reduction measures, and found increasing surface roughness and the presence of vegetation significantly reduced sand movement, and by extrapolation, PM10 emissions.

Most recently, State Parks partnered with the APCD on funding a program which will monitor PM10 levels throughout communities on the Nipomo Mesa to determine the extent of area affected by elevated PM10 levels. State Parks also voluntarily entered into a contract to provide for street sweeping along Pier Avenue to prevent the accumulation of sand.

Next, Chief Jenkins reviewed the Draft Rule published by the APCD. This Rule calls for monitoring PM10 levels in the dunes, and the development of a Particulate Matter Reduction Plan (PMRP). State Park's concern is the rule uses comparative monitoring to determine compliance. This methodology requires locating an appropriate control site where conditions are comparable to those found in the riding area of Oceano Dunes SVRA. It also does not account for variability in wind from one location to another. Because of these problems, differences in PM10 emissions at the riding area and the control site can vary due to a variety of issues, and are not necessarily a result of recreational activities in the dunes.

Nobody has been able to establish a baseline for what natural PM10 emissions are, and how much PM10 emissions result from OHV activity, if any. State Parks recognizes this

is a dynamic problem, and would like to work with APCD and other agencies to find ways to reduce the impacts of elevated PM10 levels on the Nipomo Mesa.

Chief Jenkins then addressed questions from Commissioners regarding the need for additional data, the current locations of PM10 monitoring and wind monitoring stations, and the status of adding additional wind towers in the dunes. Current PM 10 monitoring data is collected at the Mesa 2 and CDF sites. One wind monitoring tower is located in the dunes at the S-1 site, and additional towers are planned. The additional wind towers require a permit, which has been appealed to the California Coastal Commission. Other PM10 monitoring stations were placed at various locations surrounding the dunes and the Nipomo Mesa, but were only temporary stations used during the Phase 2 study. Other questions were raised about the influence of agriculture and roads, and suggestions were made that these sources should receive additional monitoring to fully determine the potential contribution of PM10 from these sources.

Chair Lueder invited APCD Board member Ed Waage to present information he had gathered on winds in the dunes, and the effects of determining wind speeds on the beach from a monitoring station located 2 ½ miles inland. Mr. Waage presented various charts and graphs which indicated that wind speeds are typically much higher on the beach than those measured at the CDF station. He pointed out that this was due to the large separation in distance, as well as obstructions located along the prevailing wind direction upwind of the CDF station. Mr. Waage also showed data which would indicate a possible influence on PM10 levels resulting from traffic on Highway 1 which is located upwind of the CDF station. Mr. Waage concluded by remarking that the portion of the Phase 2 study which concluded that agricultural sources were not a cause of the elevated PM10 levels was inconclusive as it only looked at about one month in the springtime, but not through the entire year.

After hearing public comment both in support of and in opposition to the Phase 2 study and the proposed Draft Rule, Commissioner Silverberg proposed, and Chair Lueder seconded, a motion that the Division should continue to collaborate with the APCD in trying to get more conclusive information. Further discussion was held regarding whether or not the motion should indicate whether the Commission did or did not support the Rule. Commissioner Van Velsor remarked he was disappointed the APCD did not send a representative to the meeting to provide additional information on the proposed Draft Rule. After extensive discussion between the Commissioners, along with a few questions of staff, Chair Lueder restated the motion which was to support staff in the collaborative approach to the situation working with the Air Board. They echoed staff's opinion that the Commission would like to see additional data collected so that everybody is clear that before mitigation measures start, State Parks have some idea of whether the PM 10 is being generated naturally or if it is contributed to by OHV use. These parameters must be defined before the Commission could accept or endorse a Rule that would fine State Parks.

The motion passed on a vote of 5 in favor and 1 opposed. Commissioner Van Velsor was the abstaining vote.

Public Comment on Agenda Item V (A)

Chair Lueder opened the public comment period for Business Item V (A). Comments were heard by the following individuals.

Dr. Nell Langford
Katrina Dolinsky, resident of Nipomo Mesa
Paul Stolpman, resident of Pismo Dunes
Craig Angello, Business Owner
Jim Suty, President of the Friends of Oceano Dunes
Dave Pickett, AMA District 36 Motorcycle Sports Committee
Kevin Rice, resident of San Luis Obispo
Karen Schambach, PEER
John Stewart, California Association of 4WD Clubs
Jim Bramham, California Association of 4WD Clubs
Amy Granat, California Off-Road Vehicle Association

B. Commission Policies and Procedures

Chair Lueder, along with Deputy Director Greene, reviewed the Commission policy and procedure revisions made based on discussion at the last Commission meeting. Chair Lueder asked if there were any questions or discussion from the other Commissioners.

Chair Lueder clarified questions from the Commissioners regarding the document, including when agenda items may be voted on, and how agenda items are placed on the agenda. Commissioner Kerr expressed his desire to ensure topics deemed important by one or more of the Commissioners receives consideration for the agenda. Chair Lueder indicated there is no mechanism to force items on the agenda unless confirmed with the Chair or Deputy Director. After some discussion, it was agreed an item could be brought up during the Commissioner Reports portion of the Commission meeting. Another way would be to identify in the Commission's Policies and Procedures that prior to a meeting if a Commissioner wanted to place an item on the agenda, and if the Commissioner has the support of the majority of the Commissioners, this would be an acceptable way to get items on the agenda. However, Mr. LaFranchi cautioned that arguing or debating a point to persuade Commissioners with the pros and cons of an item outside the public forum, would go too far. Chair Lueder emphasized the need for the Commissioners to work collaboratively to identify items for the agenda.

Chair Lueder made a motion to approve the Commission Policies and Procedures as written with the addition of Commissioner Kerr's suggestion that an item could be placed on the agenda by an individual Commissioner if the Commissioner has the support of the majority of the Commission. Commissioners Franklin and Silverberg seconded the motion. The Commissioners simultaneously voted to pass the motion.

ADJOURNMENT:

A motion to adjourn the meeting was made by Commissioner Silverberg, and seconded by Commissioner Slavik. Motioned carried unanimously.

Chair Lueder adjourned the meeting at 5:34pm.